

REMARKS

Claims 1, 4, 6-11, 19-22 and 24 are pending in this application. Claims 1, 4, 6, 8-10 and 19-21 have been amended. Claim 23 is canceled.

1. Rejection under 35 USC § 112, second paragraph.

The examiner has rejected the claims as failing to particularly point out and distinctly claiming the subject matter of the invention. More particularly, the Examiner points to claim elements of independent claims 1, 19 and 21 as containing claim elements which are unclear or which lack antecedent basis.

Claim 1 is rejected because the Examiner asserts it is unclear what is the meaning of the claim elements "pet death, or pet death related transactions" and "regarding or order pet death". Instant claim 1 has been amended to more fully claim the invention. In particular, "pet related services" are characterized. Therefore, the claim particularly points out and distinctly claims the subject matter of the invention.

Claim 19 is rejected because the Examiner asserts it is unclear what is the meaning of the claim element "regarding or ordering pet-related services". In view of the instant amendments to claim 19 this rejection is rendered moot.

Claim 21 is rejected for certain claim elements lacking antecedent basis. In view of the instant amendments this ground of rejection is rendered moot. In addition, the Examiner asserts that the claim element "related to commemorate the passing of a pet" is unclear as to meaning. In view of the amendment to the claim, further characterization is provided, such as the various ways of commemorating a pet's passing.

In view of the foregoing, it is respectfully requested that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

2. Rejection under 35 USC § 103

The Examiner rejected claims 1, 4, 6-11 and 19-24 as previously pending over a single reference – U.S. Patent No. 7,222,120 (Mindrum) in view of the Official Notice.

The Examiner asserts that Mindrum discloses an on-line transaction where users may be provided with a unique identifier. (Office Action, page 3). Furthermore, the Examiner asserts "Mindrum does not disclose the phrase conducting pet death, or pet related transactions nor regarding or ordering pet-related services or related to commemorate the passing of a pet. However, as understood, these are common within the funeral art." (Office Action, page 3, middle). Furthermore, the Examiner asserts, "[it] is noted that Mindrum may be used with pets." (citing cols. 3-4, lines 66-13) (Id.).

It is unclear whether the Examiner is taking Official Notice in suggesting that all on-line transactions are within the funeral art, because no other evidence, reference or reasoned analysis is provided in this regard. In reviewing the entirety of the Mindrum disclosure, including columns 3-4, there is a single disclosure of the term "pet". (Mindrum, col. 4, l. 11).

Moreover, in reviewing the entirety of Mindrum, the teachings can be distilled down to a registry system which provides for information upload and retrieval. Indeed, Mindrum discloses throughout that the

on-line system disclosed is a “registry system” where information is uploaded, may be stored, and can be retrieved by a user. (e.g., Mindrum, col. 4-6 and col. Lines 1-34). Therefore, the single reference to “pet” noted above is in the context of obtaining *registry information*, such as information associated with a deceased individual.

Mindrum merely discloses retrieval of stored data based on search of registry information. There is no teaching or suggestion of the claim element “Pet Calculator” as present in independent claims 1, 19, and 21, and as further described in the instant application’s disclosure. For example, “pet calculator” which is feature of the instant claims, and which provides the user options for the care of living existing or prospective pets, which requires more than simple information retrieval. (e.g., specification , p. 13, ll. 5-20). More particularly, the instant invention requires some *analysis* of user-input information and providing *feedback* subsequent to such analysis.

Indeed, as recited in the independent claims and as disclosed in the instant specification, the *pet calculator* performs analysis based on the input provided by the user, as well as providing feedback. (e.g., Specification, page 14, lines, 5, 12, 22-25; page 15, lines 10-12). Mindrum does not teach or suggest a system or methods for conducting *pet-related services*, but rather is limited to registering and retrieving simple information. In fact, Mindrum does not teach or suggest performing any analysis or analyzing as is required by the instant claims. Therefore, on this point alone, the instant claims are unobvious over Mindrum.

Furthermore, since Mindrum does not teach or suggest all the claimed elements for the independent claims, it follows that the dependent claims are also patentable over the reference. Moreover, regarding dependent claims 4, 6-11, 20-22 and 24, it is respectfully asserted that a *prima facie* case of obviousness has not been established. In fact, there is nothing the Office Action that addresses the further limitations provided in the dependent claims.

In addition, regarding independent claim 19, there is a requirement for *pet selection*, which is a claim element Mindrum does not disclose or suggest. The entirety of the Mindrum reference distills down to a teaching of establishing retrievable input data, but without any analysis, such as *pet selection*.

In view of the foregoing, it is respectfully requested that the claims are patentable over Mindrum and this rejection should be withdrawn.

CONCLUSION

In light of the remarks set forth above, Applicant believes that all the claims are in condition for allowance. Applicant respectfully requests that this patent application to promptly be passed to issuance. The Examiner is encouraged to telephone the undersigned with any question related to this application.

Respectfully submitted,

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